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Attorneys for Plaintiffs
Energy Intelligence Group, Inc., and
Energy Intelligence Group (UK) Limited

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ENERGY INTELLIGENCE GROUP, INC.,	:	
ENERGY INTELLIGENCE GROUP (UK)	:	
LIMITED	:	ECF Case
	:	
Plaintiffs,	:	Civil Action No.:
	:	08-CV-01497 (DAB)
-v-	:	
	:	
UBS FINANCIAL SERVICES, INC.	:	
	:	
Defendant.	:	
-----X		

**DECLARATION OF THOMAS E. WALLIN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

THOMAS E. WALLIN declares the following to be true under the penalties of perjury:

1. I am President of Energy Intelligence Group, Inc. (hereinafter "EIG"), one of the Plaintiffs in the subject case, and have held this position since 1999. I have worked in various capacities for EIG since 1979.

2. I make this declaration in support of Plaintiffs' Opposition to Defendant's Motion to Dismiss.

3. I am familiar with and have first hand knowledge of the business aspects of EIG, including, but not limited to, the content, readership, distribution and sales of OIL DAILY®.

4. EIG is the owner of the incontestable federal trademark registration no. 2,169,571 for OIL DAILY® for, among other things, “newsletters dealing with the energy and petroleum industries” in International Class 16. To the best of my knowledge, EIG has been continuously using the mark OIL DAILY® in connection with news publications since at least 1951. A copy of EIG’s registration for the mark OIL DAILY® is annexed to the Complaint as Exhibit D.


5. OIL DAILY® has a large and diverse subscription base that includes members of investment banks, risk assessment organizations, insurance companies, government departments and agencies, software and hardware suppliers, equipment suppliers, engineering firms, manufacturing companies, steel companies, academic libraries and institutions, law firms, management consultants, press and media companies, petroleum service firms, central banks, financial institutions, trade and industry associations, embassies, research institutions and international organizations in addition to members of the oil and gas industries.

6. The content of OIL DAILY® is equally diverse and can contain newsworthy articles regarding the latest developments in the worldwide oil and gas industry, assessments of key market trends and prices, news on mergers and acquisitions, political changes, international events, technological advances, environmental issues, legal news, coverage of oil and gas trade flows, coverage of the natural gas industry regarding supply, distribution and pipeline, markets, demand, and consumption, investment projects and decisions, spot markets and futures markets, financial and operational performance of companies, licensing policies and acreage awards, upstream developments such as exploration, discoveries, development, production trends and enhanced recovery, mid-stream developments such as pipelines, shipping, tankers and terminals,

downstream developments such as refining, marketing, and retail distribution, governmental regulation, alternative fuels and inter-fuel competition, demand for petroleum and economic impact of oil prices and the petroleum business.

7. Since its inception, the OIL DAILY® news publication has generated millions of dollars in revenue, has become well known and has established significant good will for EIG.

Dated: April 25, 2008


Thomas E. Wallin

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of DECLARATION OF THOMAS E. WALLIN
INSUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
was served upon counsel for Defendant by ECF and First-Class Mail, postage prepaid, on this
28th day of April 2008, addressed as follows:

Michael S. Elkin
Thomas P. Lane
Winston & Strawn LLP
200 Park Avenue
New York, NY 10166

Bruni Casiano